



# WEEKLY REPORT

## ARIZONA GAME AND FISH DEPARTMENT

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## Arizona Game and Fish Commission

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Publish Date: Friday, February 19, 2016

Day of Session:	40
Bills Posted:	1219
Bills Passed:	4
Bills Vetoed:	0
Bills Signed:	4
Mem, Res Posted:	105
Mem, Res Passed:	2

**Weekly Report** is published by the Arizona Game and Fish Department's Legislative and Government Affairs Division. While the state's Legislature is in session, legislative staff provides a summary of bills that pertain to the Department, or that the Arizona Game and Fish Commission has voted to support or oppose, and a tracking list of bills that may have potential impacts to the state's wildlife resources. The Legislative and Government Affairs staff also actively monitors and reports on Congressional Legislation with potential impacts to the Department, and those reports (Congressional Courant) are also available online at: [AZGFD Government Affairs](http://AZGFD.GovernmentAffairs)

### Commission Legislative Agenda

**HB 2575:** *G&F; penalties; law enforcement; omnibus*

**Summary:** A Game and Fish Commission bill including various changes relating to game and fish regulations. The fines for unlawfully taking, wounding, or killing specified animals are applied to any person convicted of unlawfully feeding wildlife that results in the lethal removal of that wildlife. The Game and Fish Commission is authorized to bring a civil action to enforce the civil penalties for unlawfully taking, wounding or killing wildlife. Any person against whom the Commission imposes a civil penalty for the unlawful taking or possession of wildlife may be denied the right to obtain a license to take wildlife until the person has made full payment of the penalty. Monies in the Wildlife Theft Prevention Fund may be used for investigations of fraud related to licenses, permits, tags or stamps. **Sponsor:** Rep. Cobb

**Disposition:** House Energy, Environment & Natural Resources 02/08/16 – **DO PASS 7-0-0-2**

House Rules 02/15/16 – **DO PASS 6-0-0-3**

House Third Read 02/18/16 – **PASSED 46-11**

**HB 2465:** *G&F; in-lieu fee; trust fund*

**Summary:** A Game and Fish Commission bill establishing the Game and Fish In-Lieu Fee Program Restoration Endowment Trust Fund to be used to fulfill the Game and Fish Department's obligations as an in-lieu fee sponsor under the federal Clean Water Act. The Fund consists of monies deposited from proceeds received by the Department as an in-lieu fee sponsor. Monies in the Fund are continuously appropriated. The beneficiaries of the trust are the in-lieu fee projects sponsored by the Department under the Clean Water Act.

**Sponsor:** Rep. Brophy McGee

**Disposition:** House Energy, Environment & Natural Resources 02/01/16 – **DO PASS 7-0-0-2**

House Rules Committee 02/08/16 – **DO PASS 7-0-0-2 with a technical [amendment](#).**

House COW 02/11/16 - **Approved** with the rules tech amendment

House Third Reading 02/16/16 – **PASSED 60-0**

Referred to Senate Natural Resources

Further Referred to Senate Appropriations

**SB 1361:** *G&F; heritage fund; expenditures*

**Summary:** At least 20 percent, decreased from 40 percent, of monies in the Game and Fish Commission Heritage Fund that are available for property with sensitive habitat must be spent to acquire property to acquire property with sensitive habitat used by endangered, threatened and candidate species. Not more than 20 percent of those monies may be spent on the operation and maintenance of the acquired property, including infrastructure.

**Sponsor:** Sen. Griffin

**Disposition:** Senate Natural Resources 02/08/16 – **DO PASS 5-0-2-0**

Senate Appropriations 02/16/16 – **DO PASS 5-2-1-0**

Hearing: Senate Rules (Monday 02/22/16 at 1:00PM, Senate Caucus Rm. 1)

**Commission Supported Legislation**

**HB 2324:** *G&F; military spouses; resident licenses*

**Summary:** The spouse of a member of the U.S. Armed Forces who is on active duty and stationed in Arizona is allowed to purchase a resident license permitting the taking of wildlife.

**Sponsor:** Rep. Pratt

**Disposition:** House Military Affairs & Public Safety 01/28/16 - **DO PASS 7-0-0-1**

Senate Rules 02/15/16 – **DO PASS 6-0-0-3**

House Third Read 02/18/16 – **PASSED 57-0**

**SB1243:** *Mexican wolf; G&F approval; reporting*

**Summary:** Before a Mexican gray wolf is released, translocated or cross-fostered in Arizona, the Game and Fish Commission is required to approve the release, translocation or cross-fostering. The Commission is prohibited from approving these actions within three miles of state trust land or without a full DNA profile on each Mexican gray wolf. The Game and Fish Department is required to report to the Commission at every Commission meeting a list of specified information relating to Mexican gray wolves.

**Sponsor:** Sen. Griffin

**Disposition:** Senate Water & Energy 02/01/16 – **DO PASS 5-2-0-0**

Senate Natural Resources 02/01/16 – **DO PASS 6-1-0-0**

**SCM1014:** *administratively recommended wilderness; urging Congress*

The Legislature urges the U.S. Congress to act to prohibit federal agencies from recommending and identifying Arizona's public lands as wilderness areas without express congressional consent. The Secretary of State is directed to transmit copies of this memorial to the President of the U.S. Senate, the Speaker of the U.S. House and each member of Congress from Arizona.

**Sponsor:** Sen. Griffin

**Disposition:** Senate Water & Energy 02/08/16 – **DO PASS 5-2-0-0**

Senate COW 02/18/16 - **APPROVED**

**Other Bills of Interest**

**HB 2024:** *sovereign authority; federal actions*

**Summary:** The state of Arizona and all political subdivisions are prohibited from using any personnel or financial resources to enforce, administer or cooperate with an executive order issued by the President of the U.S., a policy directive issued by an agency of the U.S., or an opinion of the U.S. Supreme Court that is not in pursuance of the U.S. Constitution and that has not been affirmed by a vote of the U.S. Congress and signed

into law as prescribed by the U.S. Constitution. This bill was amended ([#4336](#)) regarding compensation of attorney fees.

**Sponsor:** Rep. Finchem

**Disposition:** House Federalism & States' Rights 02/10/16 – **HELD**

House Federalism & States' Rights 02/17/16 – **DO PASS AS AMENDED 5-2-0-1**

**HB 2051:** *catastrophic public nuisance; determination; abatement*

**Summary:** The mayor of a municipality may determine that a "catastrophic public nuisance" (defined) exists on state or federal land located within the municipal borders, and the chairman of the county board of supervisors or the county sheriff may determine that a catastrophic public nuisance exists on state or federal land located within the county borders. Factors that may be considered in evaluating whether a catastrophic public nuisance exists are listed. On determining that a catastrophic public nuisance exists, the official must notify the federal or state agency that manages the land, and the notice must include specified information, including a demand that the agency either abate or make a plan to abate the catastrophic public nuisance by a specified date at least 30 days after the date the notice is received. If the agency does not respond by that date or otherwise does not take action, and if the nuisance constitutes a threat to public health, safety and welfare, the official must pursue all remedies allowed by law.

**Sponsor:** Rep. Finchem

**Disposition:** House County & Municipal Affairs 02/15/16 - **HELD**

**HB 2073:** *unmanned aircraft systems; unlawful use*

**Summary:** It is an unspecified class of felony (blank in original) for a person to operate or use an "unmanned aircraft system" (defined) to intentionally photograph, electronically record, collect information, conduct surveillance or gather evidence on a "critical facility" (defined) without the prior written consent of the facility owner or operator, or on a person or the person's property without the prior written consent of the person. Some exceptions.

**Sponsor:** Rep. Borrelli

**Disposition:** Referred to House Judiciary

**HB2105:** *veterans with disabilities; benefits*

**Summary:** The Game and Fish Commission is authorized to issue a complimentary license to a veteran of the U.S. armed forces who has been an Arizona resident for at least one year and who is receiving compensation from the U.S. government for permanent service-connected disabilities rated as at least 25 percent disabling, instead of 100 percent disabling. A veteran certified by the U.S. Department of Veterans Affairs as having at least a 25 percent disability, instead of 100 percent, is exempt from vehicle license taxes and registration fees for a personally owned vehicle. The Arizona State Parks Board is required to issue at no charge a parks pass that grants park entrance to all Arizona state parks and to waive camping and overnight parking fees for up to 10 days per month for a veteran with a service-connected disability of at least 25 percent.

**Sponsor:** Rep. Lovas

**Disposition:** House Military Affairs & Public Safety Thurs. 02/04/16 – **FAILED 3-5-0-0**

**HB 2176:** *ivory; rhinoceros horn; sales; prohibition.*

**Summary:** A person is prohibited from importing, selling, purchasing, bartering or possessing with intent to sell any ivory, ivory product, rhinoceros horn or rhinoceros horn product unless the person receives a permit from the Game and Fish Commission to do so for educational or scientific purposes. Some exceptions. A first violation is punishable by a civil penalty of at least \$1,000 or an amount equal to two times the total value of the products involved in the offense, whichever is greater. A second or subsequent violation is punishable by a civil penalty of at least \$5,000 or an amount equal to two times the total value of the products involved in the offense, whichever is greater.

**Sponsor:** Rep. Andrade

**Disposition:** Referred to House Commerce

**HB 2201:** *sovereign authority; commandeering; prohibition; exception*

The state and all political subdivisions are prohibited from using any personnel or financial resources to enforce, administer or cooperate with any "action" (defined) of the U.S. government that constitutes "commandeering," defined as any action that is not in pursuance of the U.S. Constitution and that has not been affirmed by a vote of the U.S. Congress and signed into law as prescribed in the U.S. Constitution, or any action that exceeds the powers of the U.S. Congress enumerated in the U.S. Constitution, unless specifically authorized by state legislation.

**Sponsor:** Rep. Thorpe

**Disposition:** House Federalism & States' Rights Wednesday 02/10/16 - **PASSED 5-1-0-3-0**

House Rules 02/15/16 – **OKAY 6-0-0-3**

House Third Read 02/18/16 – **PASSED 31-27**

**HB 2340:** *wild horses; management prohibition*

**Summary:** The Salt River wild horse herd is property of the state of Arizona under the jurisdiction of the Animal Services Division of the Department of Agriculture. A person is prohibited from actively managing, taking, slaughtering or euthanizing a horse that is part of the herd without written authorization from the Division. The state is not obligated to pay for the management of the herd. Violations are a class 1 misdemeanor. Emergency clause. This bill was amended ([#4337](#)) with various, significant changes.

**Sponsor:** Rep. Townsend

**Disposition:** House Federalism & States' Rights 02/17/16 – **DO PASS AS AMENDED 5-2-0-1**

**SB 1013:** *lottery; funding; LTAF; restoration*

Establishes the Local Transportation Assistance Fund (LTAF) and requires the Legislature to appropriate an amount necessary to provide that the total monies available in LTAF for each fiscal year (FY) equal \$20.5 million. The State Treasurer is required to pay municipalities a maximum of \$23 million each FY from the available monies in LTAF in proportion to the population of each municipality, except that each municipality is entitled to receive at least \$10,000. The State Treasurer is also required to distribute up to \$18 million each FY to counties. Establishes the County Assistance Fund and specifies distributions from the Fund. Establishes the State Parks Board Heritage Fund, and requires the Heritage Fund to be administered by the State Parks Board for specified purposes. State Lottery Fund (SLF) monies must be used to reimburse the general fund for payment to LTAF of \$18 million each FY. Of the monies remaining in the SLF, up to a maximum of \$23 million each FY must be deposited in the general fund to be used to offset reimbursements to LTAF and up to a maximum of \$7.65 million each FY must be deposited in the general fund to be used to offset reimbursements to the County Assistance Fund. Of the monies remaining in SLF, \$10 million must be deposited in the Heritage Fund. Monies equivalent to the amount of SLF monies specified must be transferred from the general fund to the other funds specified at the beginning of each Fiscal Year.

**Sponsor:** Sen. Farley

**Disposition:** Referred to Senate Transportation

Further referred to Senate Appropriations

Further referred to Senate Rules

**SB 1164:** *G&F; licenses; veterans*

The Game and Fish Department is required to award a bonus point to a person who submits satisfactory proof to the Department that the person is an honorably discharged veteran of the U.S. Armed Forces.

**Sponsor:** Rep. McGuire

**Disposition:** Senate Public Safety, Military & Technology 02/10/16 – **DO PASS 6-0-0-0**

Further Referred to Senate Natural Resources

**SB 1268:** *adequate water supply requirements; municipalities*

The Department of Water Resources is no longer required to give written notice of county adequate water supply ordinances to the mayors of all municipalities in the county, and municipalities that receive the notice are no longer required to comply with specified adequate water supply requirements. Applies to any municipality that received a notice from the Dept before the effective date of this act that the county in which the municipality is located enacted an adequate water supply ordinance affecting the municipality, and those municipalities are no longer bound by that county's adequate water supply ordinance. Does not apply to any municipality that adopts its own adequate water supply ordinance before, on, or after the effective date of this act. This bill was amended ([#4138](#)) to change the language of the bill, but this did not substantially change the purpose of the bill.

**Sponsor:** Sen. Griffin

**Disposition:** Senate Water & Energy 02/08/16 - **DO PASS AS AMENDED 5-2-0-0**  
House Rules 02/16/16 - **OKAY**  
Senate COW 02/17/16 - **APPROVED AS AMENDED**  
Senate Third Reading 02/18/16 – **PASSED 21-8**

**SB 1398:** *fuel taxes; streets and highways*

Revenues collected from motor vehicle fuel and use fuel taxes are required to only be spent for road, street and highway purposes, including maintenance.

**Sponsor:** Sen. Griffin

**Disposition:** Senate Transportation 02/16/16 – **DO PASS 5-1-2-0**  
Hearing: Senate Rules (Monday 02/22/16 at 1:00PM, Senate Caucus Rm. 1)

**SB1428:** *PSPRS modifications*

Various changes to statutes relating to the Public Safety Personnel Retirement System. Establishes a method for determining the employer and member contributions to PSPRS for members hired on or after July 1, 2017. Modifies the definition of “average monthly benefit compensation” for the purpose of determining PSPRS retirement benefit amounts and the definition of “normal retirement” and applies these changes only to members hired on or after July 1, 2017. For members who are hired on or after July 1, 2017, the annual compensation of each member taken into account for purposes of the system cannot exceed \$110,000, decreased from \$200,000. Beginning in FY2020-21 and every third FY after, the PSPRS Board is required to adjust the annual compensation limit by the average change in the public safety wage index as determined by a specified method. Establishes retirement multipliers based on years of credited service for members who become a PSPRS member on or after July 1, 2017. Repeals statutes providing for benefit increases, and establishes cost-of-living adjustments for members hired on or before June 30, 2017, and for members hired on or after July 1, 2017. Increases the number of members of the PSPRS Board to nine, from seven, and modifies requirements for Board members. Establishes a 10-member PSPRS Advisory Committee. The PSPRS Board is required to establish a Public Safety Personnel Defined Contribution Plan (DC Plan) to provide for the retirement of specified participants beginning July 1, 2017. Establishes powers and duties of the Board for the DC Plan, and establishes member and employer contributions to the DC Plan. An employee who is hired on or after July 1, 2017 and who was not a member of the PSPRS on June 30, 2017 is eligible and may elect to participate in either the PSPRS or in the DC Plan, and the election made is irrevocable. The employee’s participation in either system begins 90 days after the date the employee is hired. Also establishes a DC Plan disability program. More. Conditionally enacted on the state Constitution being amended as prescribed by an unspecified Senate concurrent resolution (blank in original) by vote of the people at the special election on May 17, 2016. Severability clause.

**Sponsor:** Sen. Lesko



**Disposition:** Senate Finance 02/03/16 – **AMENDED – 5-0-0 (#4059)**  
Passed Senate 02/04/16 - **28-0**  
House Insurance 02/10/16 – **DO PASS 7-1-0-0**  
House Rules 02/11/16 – **DO PASS 7-2-0-0**  
House COW approved with floor Amend ([#4217](#))  
House 02/11/16 - **PASSED 49-10**  
Senate 02/15/16 - Concurred with House amend. - **PASSED ON FINAL READ 28-0**  
Signed by Governor 02/16/16 - **Chap. 2, Laws 2016**

[SB1515](#): Original title: *amusement gambling; definition; money*

**[STRIKER AMENDMENT #4410](#)**: Current title: *fantasy sports league competitions; definitions*

Subject of Strike Everything Amendment: Defines *fantasy sports league competitions* as any fantasy or simulated sports game or educational game or contest that involves a fantasy team that is not based on the current membership of an actual team, that is a member of an amateur or professional sports organization, and that meets the following conditions:

- a) all prizes and awards offered to winning participants are established and made known to the participants in advance of the game or contest and the value of the prizes and awards is not determined by the number of participants or the amount of any fees paid by those participants;
- b) all winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individuals in multiple, real world sporting or other events; and
- c) a winning outcome is not based on the score, point spread, or performance of any single real world team or any combination of teams or solely on any single performance of an individual athlete in any single real world sporting or other event.

Fantasy sports league competitions are excluded from the statutory definition of gambling. The state is required to request arbitration of a dispute resolution that alleges this legislation constitutes a change in state law that permits a gambling activity that was not authorized before May 1, 2002. Contains a conditional enactment clause that repeals the definition of fantasy sports league competitions if a court of competent jurisdiction or an arbitrator finds that the legislation constitutes a change in state law that was not authorized by law before May 1, 2002. A deadline of December 31, 2026 is established for this finding.

**Sponsor:** Driggs

**Disposition:** Senate Judiciary 02/18/16 – **AMENDED STRIKE EVERYTHING 5-2-0-0**

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**For a Quick Reference to the Commission's  
Position on legislation, please click the links below.**

[SUPPORT](#)  
[MONITOR](#)  
[OPPOSE](#)

- Support – The Arizona Game and Fish Commission has voted to support these bills
- Monitor – The Game and Fish Department is monitoring the progress of these measures, and the Arizona Game and Fish Commission has not taken a position.
- Oppose – The Arizona Game and Fish Commission has voted to oppose these bills.

**If you have questions relating to legislation, please contact:**  
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**This publication may be found online: [www.azgfd.com](http://www.azgfd.com)**